

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MANOJ GOVIND MANOHAR OGLE and
CHETAN OGALE,

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
X JUL 23 2009 ★

BROOKLYN OFFICE

Plaintiffs,

**STIPULATION AND ORDER
OF SETTLEMENT AND
DISCONTINUANCE**

-vs-

THE CITY OF NEW YORK, POLICE COMMISSIONER
RAYMOND W. KELLY, POLICE OFFICER JESSE
COTTON, SHIELD #1178, POLICE OFFICER MICHAEL
RODER, SHIELD #25253, JOHN/JANE DOES 1-6,
Individually who were involved in the incident
resulting in plaintiffs' false arrest, search, seizure and
injuries.

ECF Case No. CV-08-4764

Defendant(s).

X

WHEREAS, plaintiffs commenced this action by filing a complaint on or about November 24, 2008, alleging the defendants violated his constitutional rights; and

WHEREAS, defendants have denied any and all liability arising out of plaintiffs' allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

WHEREAS, plaintiffs have authorized their counsel to settle this matter on the terms set forth below; and

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned as follows:

1. This above-referenced action is hereby dismissed with prejudice, and without costs, expenses or fees in excess of the amount specified in paragraph "2" below.

2. Defendant City of New York hereby agrees to pay plaintiff Manoj Govind Manohar Ogle the total sum of TEN THOUSAND (\$10,000.00) DOLLARS in full satisfaction of all claims, including claims for costs, expenses and attorney fees. Defendant City of New York hereby agrees to pay plaintiff Chetan Ogale the total sum of TWENTY THOUSAND (\$20,000.00) DOLLARS in full satisfaction of all claims, including claims for costs, expenses and attorney fees. In consideration for the payment of these sums, both plaintiffs agree to dismissal of all the claims against The City of New York, Police Commissioner Raymond W. Kelly, Police Officer Jesse Cotton, Police Officer Michael Roder, and any present or former employees or agents of the New York City Police Department and the City of New York, from any and all liability, claims or rights of action arising from and contained in the complaint in this action, including claims for costs, expenses and attorney fees.

3. Plaintiffs shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a Release based on the terms of paragraph "2" above and an Affidavit of No Liens.

4. Nothing contained herein shall be deemed to be an admission by the City of New York that it has in any manner or way violated plaintiffs' rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions herein.

Dated: Brooklyn, New York
April 14, 2009

BY: 
SPENCER A. LEEDS, ESQ.

Attorney for Plaintiff(s)
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BY: 
SUSAN SCHARFSTEIN, ESQ.
Assistant Corporation Counsel
MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
Attorney for Defendants
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(212) 788-0800

SO ORDERED: July 22, 2009

s/SLT

The Clerk of the Court
is directed to close this case.